



ORIGINAL

Federal Communications Commission
Washington, D.C. 20554

SEP 15 1998

IN REPLY REFER TO:
9806425

EX PARTE OR LATE FILED

Ms. Donna Fortin
Consumer Trainer
United Cerebral Palsy of West Central Wisconsin
206 Water Street
Eau Claire, Wisconsin 54703

RECEIVED

SEP 17 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Ms. Fortin:

Senator Herbert Kohl has asked that I respond to your letter regarding the Commission's implementation of Section 255 of the Communications Act (Section 255), added by the Telecommunications Act of 1996. Section 255 requires that telecommunications equipment manufacturers and service providers must ensure that their equipment and services are accessible to persons with disabilities, to the extent that it is readily achievable to do so. In adopting Section 255, Congress gave the Commission two specific responsibilities, to exercise exclusive jurisdiction with respect to any complaint filed under Section 255, and to coordinate with the Architectural and Transportation Barriers Compliance Board (Access Board) in developing guidelines for the accessibility of telecommunications equipment and customer premises equipment.

The Commission adopted a Notice of Inquiry in September 1996, initiating WT Docket 96-198 and seeking public comment on a range of general issues central to the Commission's implementation of Section 255. The Commission also adopted a Notice of Proposed Rule Making (NPRM) in April 1998, which sought public comment on a proposed framework for that implementation. The NPRM examined the Commission's legal authority to establish rules implementing Section 255, including the relationship between the Commission's authority under Section 255 and the guidelines established by the Access Board in February 1998. The NPRM further solicited comment on the interpretation of specific statutory terms that are used in Section 255, including certain aspects of the term "readily achievable," and the scope of the term "telecommunications services." In addition, the NPRM sought comment on proposals to implement and enforce the requirement that telecommunications equipment and services be made accessible to the extent readily achievable. The centerpiece of these proposals was a "fast-track" process designed to resolve many accessibility problems informally, providing consumers with quick solutions.

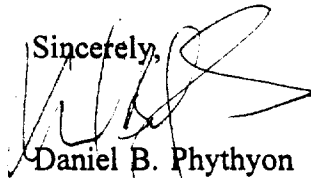
It is important to note that the Commission has not issued a final decision regarding any of the proposals suggested in the NPRM. The record in this proceeding closed on

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August 14, 1998, and the Commission staff is currently reviewing public comments. Since the passage of Section 255, the Commission has worked closely with the Access Board and with various commenters to design an implementation framework that best reflects the intent of Congress in adopting Section 255. Your comments will be included as an informal comment in the record of WT Docket 96-198, and carefully considered, along with the many other comments, before final action is taken on this critically important matter. I appreciate your input as a way of establishing as thorough and representative a record as possible on which to base final rules implementing Section 255.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. B. Phythyon', written over the word 'Sincerely,'.

Daniel B. Phythyon
Chief, Wireless Telecommunications Bureau

HERBERT KOHL
WISCONSIN

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WASHINGTON, DC 20510-4903

July 30, 1998

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WTB.
handicap
#6425

The Honorable Reed E. Hundt
Chairman
Federal Communications Commission
1919 M Street, N.W.
Room 814
Washington, D.C. 20554-0000

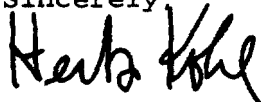
Dear Chairman Hundt:

Enclosed please find a copy of a correspondence from a constituent of mine, Donna Fortin, regarding telecommunications access regulations.

Any assistance you could provide in responding to these concerns would be greatly appreciated. Please respond directly to my constituent and send a copy to the attention of Jessica Catlin of my staff.

Thank you for your attention to this matter.

Sincerely,



Herb Kohl
U.S. Senator

HK:jlc

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Date: Mon, Jun 22, 1998 9:19 AM EST

From: Ucp wcw @ AOL . COM

Subj: Re: Telecommunications Access Regulations

To: Russell_Feingold@feingold.senate.gov, cbanks@pressenter.com

98 JUN 26 PM 2: 51

Senators Feingold and Kohl:

It has come to our attention that the Federal Communications Commission is considering regulations for telecommunications access.

It is imperative that these regulations come out of the FCC strong, for these regulations will make a difference in the lives of people with disabilities as ADA has for the past several years.

Telecommunications has already had a major impact on the ability and opportunity for people with disabilities to learn, work and participate in the community. Moreover, just as telecommunications is becoming increasingly important in the lives of Americans generally, so also is its significance in the lives of people with disabilities destined to grow.

If a person who is blind or deaf cannot use the equipment, how does that affect their daily living? How does a product with too intricate buttons work for a person with a physical disability. What will be my needs when I get older?

These are questions we must ask when we look at the regulations.

For further information, FCC has made the regulations in a variety of formats. Comments are due by June 30, 1998. Regulations are available in text from the web site of the FCC at the following address:
<http://www.fcc.gov/Bureaus/Wireless/Notices/1998/index.html>.

Please check this out for us. We hope you will be helpful to those of us who are worried that the telecommunications industry will try to back away from strong regulations.

Donna Fortin
Consumer Trainer
United Cerebral Palsy of West Central WI